

REMARKS

Claims 1-22 are currently pending in this application.

In the Office action dated October 4, 2005, the Examiner rejected claim 1 as being anticipated by Orfield (US Patent No. 4,319,088). The Examiner also rejected claims 2-22 as being obvious in view of Orfield combined with Ritter (US 4,686,693). The Examiner maintained the provisional double patenting rejections.

In reply to the provisional double patenting rejections, Applicants have submitted Terminal Disclaimers rendering these rejections moot.

As indicated above, independent claims 1, 15 and 19 have been amended to better define and clarify the present invention.

The Orfield reference and the Examiner's anticipation rejection have been carefully considered. However, the Examiner's rejection is traversed with all due respect for the reasons that follow.

Independent claim 1 recites a sound masking system for controlling the ambient noise level in a physical environment. The sound masking system comprises a communication network spanning at least a portion of said physical environment, a plurality of sound masking units, and a control unit. The sound masking units include a communication interface for coupling the sound masking units to the communication network for receiving and transmitting signals over the communication network. The control unit has a network interface for coupling the control unit to the communication network for transmitting signals over the communication network to the sound masking

units. The signals include control signals for selectively controlling the operation of the sound masking units and one or more sound masking signals for producing a sound masking output at one or more of said selected sound masking units.

Orfield is directed to a sound masking system comprising master units and slave units. According to Orfield, the master units may be used alone without slave units. A master unit and a slave unit may also be connected together and the connected together master and slave units may be arranged to cover a zone.

As it relates to the claimed invention, Orfield does not disclose or teach sound masking units having a communication interface for coupling to a communication network for receiving and transmitting signals. According to Orfield, a master unit includes a port for connecting a slave unit. Orfield does not teach or suggest connecting the master units together in a network. As such, the master units, whether connected to a respective slave unit, function independently of each other and there is no transmission or reception of signals over a communication network between the master units. Even in the described zone configuration, the only connection is between master units and slave units. Furthermore with respect to the connection between the master unit and a slave unit, Orfield does not teach or suggest bidirectional communication over a network as recited in claim 1. The slave unit simply receives a unidirectional sound masking signal from the master unit. It is further submitted that such signals do not comprise control signals for

selectively controlling the operation of the sound masking units as also recited in independent claim 1.

In view of these differences, it is submitted that Orfield does not disclose each and every feature as recited in independent claim 1, and therefore claim 1 is not anticipated by Orfield.

The Examiner's rejection of independent claims 15 and 19 as being obvious in view of Orfield combined with Ritter has been carefully considered, but is traversed with all due respect for the following reasons.

Ritter does not disclose or teach a communication network. According to Ritter the sound masking units operate individually and are not coupled together through a communication network. Similarly, Orfield teaches an arrangement in which the master units operate independently, even when configured in a "zone". Therefore, it is submitted that there is no motivation for one skilled in the art to combine the teachings of Orfield and Ritter. Furthermore, even if one skilled in the art were to combine the teachings of Orfield and Ritter, it is submitted that the resulting apparatus would not be the same as that defined by independent claims 15 and 19. Since claims 16-18 and 20-22 depend either directly, or indirectly, from respective independent claims 15 and 19, it is submitted that these claims are also not obvious for the same reasons.

For the same reasons as discussed above, it is submitted that dependent claims 2-14 are not obvious in view Orfield combined with Ritter.

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

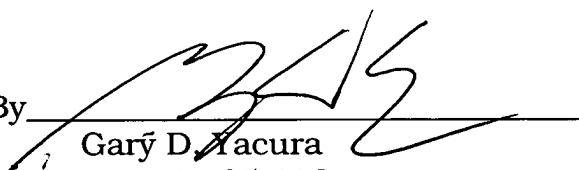
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By



Gary D. Yacura
Reg. No. 35,416

GDY:jcp

P.O. Box 8910
Reston, VA 20195
(703) 668-8000